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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,484	01/27/2004	Atsuhiro Mori	61282-059	6279

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MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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WALTER, CRAIG E

ART UNIT	PAPER NUMBER
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2188

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/764,484	MORI, ATSUIRO	
	Examiner	Art Unit	
	Craig E. Walter	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-7 are pending in the Application.

Claims 1, 2 and 5-7 are amended.

Claims 1-7 are rejected.

### ***Response to Amendment***

2. Applicant's amendments and arguments filed on 12 January 2007 in response to the office action mailed on 12 September 2006 have been fully considered, but they are not persuasive. Therefore, the rejections made in the previous office action are maintained, and restated below, with changes as needed to address the amendments. Additionally, Applicant's amendment to correct 35 USC § 112 deficiencies identified in the previous Office action created additional deficiencies under 112, 1<sup>st</sup> paragraph, hence a new grounds of rejection necessitated by amendment is set forth *infra*.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As for claim 1, Applicant has amended the claim to recite, *inter alia*, “access arranging means for causing the clock signal to the second data input/output means to be stopped and not allowing the second data input/output means to access the data storing means, for executing the access of the first data input/output earlier than the second data input/output means”, and “starting the access of the second data input/output means after the access of the first data input/output means is ended”. The claim as presently recited lacks an essential feature pursuant to Applicant’s original specification, hence is non-enabling. More specifically, the instant claims recite “the clock signal to ... be stopped” and “not allowing the second data input/output means to access the data”, however Applicant later fails to set forth restarting the clock, which according the Applicant’s original specification, is essential to this embodiment. For example, the second full paragraph of page 12 of Applicant’s original specification recites “[w]hen the access of the first data input/output device 102 to the data storing device 101 is ended, the wait state of the second data input/output device 103 is **cancelled** (S207) and the access arranging device, switches the control signal selector 112 to the second data input/output device 103 side (S208) and the second data input/output device 103 **executes the access to the data storing device** 101 (S209)” (emphasis added). The specification sets forth two distinct events (canceling the wait state (i.e. restarting the clock) and starting access of the second data input/output means), however the claim only sets forth the latter. It is worthy to note that Applicant

recites the feature of canceling the stopping of the clock in independent claims 5-7;  
further evidence that this feature is essential to Applicant's claimed invention.

In view of the foregoing, claim 1 is rejected for being non-enabling, pursuant to MPEP § 2164.08(c) – "A feature which is taught as critical in a specification and is not recited in the claims should result in a rejection of such claim under the enablement provision section of 35 U.S.C. 112. See *In re Mayhew*, 527 F.2d 1229, 1233, 188 USPQ 356, 358 (CCPA 1976)."

Claim 2 is rejected based on the same rationale as claim 1.

Claims 3 and 4 further limit claim 2, therefore they too are rejected for inheriting the deficiencies of claim 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadavi-Ardekani et al. (US Patent 6,499,087 B1), hereinafter Fadavi-Ardekani, and in further view of Tietjen (US Patent 4,780,843).

As for claim 1, Fadavi-Ardekani teaches an information processing apparatus comprising:

data storing means (Fig. 1, element 200);

first and second data input/output means for giving access to the data storing means (Fig. 1, elements 100 and 104);

clock generating means for supplying a clock signal to the first and second data input/output means (Fig. 1 depicts clock signals between the agents and the switch, and likewise between the switch and the memory);

switching means for switching access of the first data input/output means or the second data input/output means to the data storing means (Fig. 1, element 102); and

access arranging means for causing the clock signal to the second data input/output means to be stopped and not allowing the second data input/output means to access the data storing means; for executing the access of the first data input/output means earlier than the second data input/output means when a contention of the access of the first data input/output means and the second data input/output means to the data storing means is generated, and for starting the access of the second data input/output means after the access of the first data input/output means is ended (Fadavi-Ardekani teaches each agent as having its own unique clock. The clock of one agent must enter a wait state to allow the other agent to access the memory. The wait state is generated to avoid contention among the multiple agents. Once one agent completes access, the other agent can access the memory. col. 1, line 61 through col. 2, line 10).

Despite these teachings, Fadavi-Ardekani fails to specifically teach the clock generating means as supplying the clock *from* (emphasis added) the second data

input/output means. Rather, Fadavi-Ardekani teaches the processor itself as generating the clock and sending it to the memory.

Tietjen however teaches a wait mode power reduction system and method for a data processor wherein a clock signal is generated and externally supplied to the processor to enable the processor to either continue operation, or wait (i.e. stop mode) – col. 1, lines 25-52. Additionally note Tietjen teaches shutting down (i.e. completely stopping) the clock signal, which is consistent with Fadavi-Ardekani's means of entering a wait state.

It would have been obvious to one of ordinary skill in the art at the time of the invention for Fadavi-Ardekani to further include Tietjen's wait mode power reduction system into his own system of synchronous memory sharing based on cycle stealing. By doing so, Fadavi-Ardekani would benefit by improving his system's power consumption while one of his agents is in a wait state as taught by Tietjen in col. 1, lines 25-52.

As for claim 2, Fadavi-Ardekani teaches an information processing apparatus comprising:

- a built-in memory (Fig. 1, element 200);

- a processor for processing data stored in the built-in memory (Fig. 1, element 100);

- clock generating means for supplying a clock signal from the processor (Fig. 1 depicts clock signals between the agents and the switch, and likewise between the switch and the memory);

input/output control means for executing access to the built-in memory from an external control device (Fig. 1, element 104 – super agent is capable of executing access to the memory); and

access arranging means for causing the clock signal to be stopped and carrying out access of the input/output control means with a priority when a contention of access of the processor and the input/output control means to the built-in memory is generated (Fadavi-Ardekani teaches each agent as having its own unique clock. The clock of one agent must enter a wait state to allow the other agent to access the memory. The wait state is generated to avoid contention among the multiple agents. Once one agent completes access, the other agent can access the memory - col. 1, line 61 through col. 2, line 10. Also note Fadavi-Ardekani teaches designating a super agent which has priority over the other agent(s) – col. 3, lines 27-67 – a wait request signal is inherited to Fadavi-Ardekani's system in order for it to properly enable the agent that does not win access to the memory to enter in the wait state).

Despite these teachings, Fadavi-Ardekani fails to specifically teach the clock generating means as supplying the clock *from* (emphasis added) the second data input/output means. Rather, Fadavi-Ardekani teaches the processor itself as generating the clock and sending it to the memory. Additionally, Fadavi-Ardekani fails to teach generating a wait request signal to cause the clock signal to wait. Tietjen however teaches a wait mode power reduction system and method for a data processor wherein a clock signal is generated and externally supplied to the processor to enable the



Art Unit: 2188

processor to either continue operation, or wait (i.e. stop mode) – col. 1, lines 25-52.

Tietjen additionally teaches generating a stop signal to indicate for the processor stop processing (col. 2, line 51 through col. 3, line 6). Additionally note Tietjen teaches shutting down (i.e. completely stopping) the clock signal, which is consistent with Fadavi-Ardekani's means of entering a wait state.

It would have been obvious to one of ordinary skill in the art at the time of the invention for Fadavi-Ardekani to further include Tietjen's wait mode power reduction system into his own system of synchronous memory sharing based on cycle stealing. By doing so, Fadavi-Ardekani would benefit by improving his system's power consumption while one of his agents is in a wait state as taught by Tietjen in col. 1, lines 25-52.

As for claim 3, Fadavi-Ardekani teaches the information processing apparatus according to claim 2, further comprising

selecting means for switching the access of the processor and the input/output control means to the built-in memory (Fig. 1, element 102),

wherein the access arranging means outputs a control signal to the selecting means when a request for the access of the input/output control means to the built-in memory is generated during the access of the processor to the built-in memory (each agent is connected to the switch/arbiter via the ADC (address, data, and control) lines which is used to permitted access to the memory via one and only one agent – see Fig. 1. When a super agent requires access, it is able to obtain uncontested priority without requiring the arbiter to grant access – col. 1, lines 40-67.

In other words, the super agent asserts control over the arbiter to grant access to the memory), and

the selecting means receiving the control signal switches the access of the processor to the access of the input/output control means to the built-in memory (the switch/arbiter (Fig. 1, element 102) is capable of arbitrating access between the two agents, and selectively permitting control to one based on priority).

As for claim 5, Fadavi-Ardekani teaches memory access arranging method of an information processing apparatus including data storing means and first and second data input/output means for giving access to the data storing means, comprising the steps of:

causing a clock signal for the second data input/output means to be stopped and not allowing the second data input/output means to access the data storing means when a contention of the access of the first data input/output means and the second data input/output means to the data storing means is generated (Fadavi-Ardekani teaches each agent as having its own unique clock. The clock of one agent must enter a wait state to allow the other agent to access the memory. The wait state is generated to avoid contention among the multiple agents. Once one agent completes access, the other agent can access the memory. col. 1, line 61 through col. 2, line 10);

executing the access of the first data input/output means earlier than the second data input/output means (the super agent can access the memory while the other agents must wait, or similarly if two non-super agents contend for access, one will be granted access while the other will be required to wait – col. 3, lines 57-67); and

canceling the stop of the clock signal of the second data input/output means after ending the access of the first data input/output means, and executing the access of the second data input/output means (once the first agent has completed access, the wait state is released and the other agent is permitted to access the memory – col. 4, lines 16-53) .

As for claim 6, Fadavi-Ardekani teaches a memory access arranging method of an information processing apparatus including a processor for carrying out a pipeline processing over an instruction, a memory provided in the processor, and input/output control means for executing access to the memory with a higher priority than the processor, comprising the steps of:

causing a clock signal supplied to the processor to wait when a contention of access of the processor and the input/output control means to the memory is generated (Fadavi-Ardekani teaches each agent as having its own unique clock. The clock of one agent must enter a wait state to allow the other agent to access the memory. The wait state is generated to avoid contention among the multiple agents. Once one agent completes access, the other agent can access the memory - col. 1, line 61 through col. 2, line 10. Also note Fadavi-Ardekani teaches designating a super agent which has priority over the other agent(s) – col. 3, lines 27-67 – a wait request signal is inherited to Fadavi-Ardekani's system in order for it to properly enable the agent that does not win access to the memory to enter in the wait state);

switching the access of the processor to the access of the input/output control means to the memory (arbiter - Fig. 1, element 102 control which agents can access the memory); and

canceling the wait request signal of the processor after ending the access of the input/output control means to the memory, and executing the access of the processor to the memory (once the first agent has completed access, the wait state is released and the other agent is permitted to access the memory – col. 4, lines 16-53).

Despite these teachings, Fadavi-Ardekani fails to teach generating a wait request signal to cause the clock signal to wait.

Tietjen however teaches a wait mode power reduction system and method for a data processor wherein a clock signal is generated and externally supplied to the processor to enable the processor to either continue operation, or wait (i.e. stop mode) – col. 1, lines 25-52. Tietjen further teaches generating a stop signal to indicate for the processor stop processing (col. 2, line 51 through col. 3, line 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention for Fadavi-Ardekani to further include Tietjen's wait mode power reduction system into his own system of synchronous memory sharing based on cycle stealing. By doing so, Fadavi-Ardekani would benefit by improving his system's power consumption while one of his agents is in a wait state as taught by Tietjen in col. 1, lines 25-52.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadavi-Ardekani (US Patent 6,499,087 B1), in further view of Peters et al. (US Patent 6,065,102), hereinafter Peters.

As for claim 7, Fadavi-Ardekani teaches a memory access arranging method of an information processing apparatus having a processor for carrying out a pipeline processing over an instruction, a memory provided in the processor, input/output control means for executing access to the memory with a higher priority than the processor, and holding means for holding read data output from the memory before a wait operation of the processor during the wait operation of the processor, comprising the steps of:

causing a clock signal supplied to the processor to be stopped (Fadavi-Ardekani teaches each agent as having its own unique clock. The clock of one agent must enter a wait state to allow the other agent to access the memory. The wait state is generated to avoid contention among the multiple agents. Once one agent completes access, the other agent can access the memory. col. 1, line 61 through col. 2, line 10);

executing the access of the input/output control means to the memory (the winning agent can access the memory once the arbiter grants access to the memory – col. 3, lines 26-67); and

canceling the stop of the clock signal of the processor after ending the access of the input/output control means to the memory, and restarting the access of the processor to the memory (once the first agent has completed access, the wait

state is released and the other agent is permitted to access the memory – col. 4, lines 16-53).

Despite these teachings, Fadavi-Ardekani fails to teach holding the read data output from the memory in a holding means before the wait operation of the processor when a contention of read access of the input/output control means is generated. Additionally Fadavi-Ardekani fails to teach, supplying the data held in the holding means to the processor.

Peters however teaches a fault tolerant multiple client memory arbitration system which allows multiple clients to access data redundantly stored in two cache memories (col. 2, lines 53-65). In other words both the local cache memory and the redundant cache memory store the same data. The system further allows for the arbitration of access to either the local cache memory, or the mirrored cache memory. In other words, data can be extracted from alternative holding means (i.e. the mirrored cache) rather than the local cache itself depending on the status of the arbitration logic.

It would have been obvious to one of ordinary skill in the art at the time of the invention for Fadavi-Ardekani to further include Peters multiple client arbitration system into his own system of synchronous memory sharing based on cycle stealing. By doing so, Fadavi-Ardekani would be able to improve the fault tolerance of his memory system by providing redundant storage as taught by Peters in col. 1, lines 23-45.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Fadavi-Ardekani (US Patent 6,499,087 B1) and Tietjen (US

Patent 4,780,843) as applied to claim 3 above, and in further view of Peters (US Patent 6,065,102).

As for claim 4, though the combined disclosure of Fadavi-Ardekani and Tietjen meet all the limitations of claim 2, they fail to specifically teach, holding means for holding read data output from the built-in memory before a wait operation of the processor during the wait operation of the processor, wherein the access arranging means switches read data to be supplied to the processor between the read data output from the built-in memory and the read data held by the holding means as recited in this claim.

Peters however teaches a fault tolerant multiple client memory arbitration system, which allows multiple clients to access data redundantly stored in two cache memories (col. 2, lines 53-65). In other words both the local cache memory and the redundant cache memory store the same data. The system further allows for the arbitration of access to either the local cache memory, or the mirrored cache memory. In other words, data can be extracted from alternative holding means (i.e. the mirrored cache) rather than the local cache itself depending on the status of the arbitration logic.

It would have been obvious to one of ordinary skill in the art at the time of the invention for Fadavi-Ardekani to further include Peters multiple client arbitration system into his own system of synchronous memory sharing based on cycle stealing. By doing so, Fadavi-Ardekani would be able to improve the fault tolerance of his memory system by providing redundant storage as taught by Peters in col. 1, lines 23-45.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-7 have been considered but are they are not persuasive.

As for claim 1, Applicant asserts "Fadavi-Ardekani does not disclose or even suggest stopping the clock signal of the agent for which access is denied", and further contends, "Tietjen does not disclose or suggest a wait mode wherein the clock to a second data input/output means is stopped when a first data input/output means is accessing a data storing means. Tietjen merely discloses a method of allowing a data process to shutdown sub-systems in order to reduce power consumption". Applicant concludes based on this faulty assumption that the 35 USC § 103(a) rejection previously set forth fails to render the claim obvious.

This argument however is not persuasive. Examiner maintains per the previous rejection that Fadavi-Ardekani does in fact teach putting his clock in a wait state (col. 1, lines 61 through col. 2, lines 10) and that Tietjen in fact teaches completely stopping the clock during a wait state for the purpose of minimizing system power consumption (col. 1, lines 25-52). In view of their disclosures, Examiner maintains the combined teachings of Fadavi-Ardekani and Tietjen do in fact teach stopping a clock signal of the agent for which access is denied, hence rendering the instant claim obvious notwithstanding Applicant's contention otherwise.



Applicant's argument that claims 2, 5 and 7 are allowable for reciting similar subject matter as claim 1 is rendered moot in view of Examiner's arguments and rejection of claim 1, *supra*.

Applicant's argument that dependant claims 3, 4 and 6 are allowable for further limiting claim 2 is rendered moot as Examiner maintains claim 2 is rendered obvious per the arguments and rejection of claim 2, *supra*.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

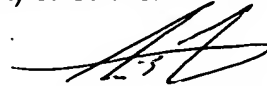
9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2188


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig E. Walter whose telephone number is (571) 272-8154. The examiner can normally be reached on 8:30a - 5:00p M-F.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Craig E Walter  
Examiner  
Art Unit 2188

CEW

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER

3-27-07